

UNITED STATES DISTRICT COURT

JUDGE SCHEINDLIN

District of

New York

Richard McLaughlin  
20 Stonegate Road, Ossining, NY 10562

SUMMONS IN A CIVIL ACTION

V.

Metro-North Commuter Railroad, 347 Madison  
Ave., New York, NY 10017

CASE NUMBER:

08 CV 1575

TO: (Name and address of Defendant)

Metro-North Commuter Railroad, 347 Madison Ave., New York, NY  
10017

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Law Offices of Kantor & Godwin, PLLC  
5800 Main Street  
Williamsville, NY 14221

an answer to the complaint which is served on you with this summons, within Thirty (30) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FEB 15 2008

J. MICHAEL McMAHON

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE
NAME OF SERVER (PRINT)	TITLE

*Check one box below to indicate appropriate method of service*

- ☐ Served personally upon the defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left:
- ☐ Returned unexecuted:
- ☐ Other (specify):

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL \$0.00
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**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Server

\_\_\_\_\_  
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**JUDGE SCHEINDLIN**

UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK

**RICHARD MC LAUGHLIN**

20 Stonegate Road  
Ossining, NY 10562

*Plaintiff*

**08 CV 1575**

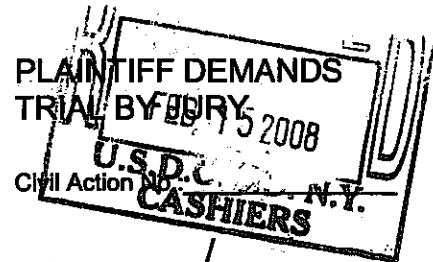
**COMPLAINT**

vs.

**METRO-NORTH COMMUTER RAILROAD**

347 Madison Avenue  
New York, NY 10017

*Defendant.*



**NOW COMES** the Plaintiff, RICHARD MC LAUGHLIN, by and through his attorneys, THE LAW OFFICES OF KANTOR & GODWIN, PLLC, for his Complaint against the Defendant, METRO-NORTH COMMUTER RAILROAD, herein alleges:

1. This action is being brought against the Defendant, METRO-NORTH COMMUTER RAILROAD. (hereinafter "METRO-NORTH") pursuant to the provisions of the Federal Employer's Liability Act, Title 45 USC § 51, et seq. and that the amount in controversy exclusive of interest, exceeds \$75,000
2. At all times hereinafter, the Plaintiff, RICHARD MC LAUGHLIN, was and is a resident of the Town of Ossining, County of Westchester, and State of New York.
3. At all times hereinafter mentioned, the Defendant, METRO-NORTH was and still is a public benefit corporation duly organized, created and existing under

the laws of the State of New York, authorized to do business in the State of New York, and a common carrier in interstate transportation and commerce by railroad.

4. The Defendant, METRO-NORTH, has tracks, operates trains, and does business within the State of New York and maintains a principle place of business within the State of New York with business offices located at 347 Madison Avenue, New York, New York.

5. At all times hereinafter mentioned, the Plaintiff, RICHARD MC LAUGHLIN, herein is a employee of the Defendant, as that term is defined under 45 U.S.C. §51 et seq. and as such, is a conductor for the Defendant and is engaged by the Defendant to perform duties in the furtherance of its business interests in interstate commerce by Defendant, railroad, METRO-NORTH.

6. On or about the 31<sup>st</sup> of March, 2005, the Plaintiff, RICHARD MC LAUGHLIN was assigned to work out of Croton-Harmon, returning to Ossining Station, New York in furtherance of Defendant's business in interstate commerce when he sustained injuries as a result of Defendant's negligence.

7. As a result of the negligence of the Defendant, METRO-NORTH, its agents, servants, employees with respect to the negligent and careless operation of its business with respect to the failure of the Defendant, to properly provide Plaintiff with a safe place to work; failure of Defendant to properly warn Plaintiff of the possible and potential hazards to his health; the failure of the Defendant to inspect and maintain its equipment and property in a proper and safe manner; the failure of the Defendant to comply with the applicable State and Federal Statutes, including but not limited to, 45 U.S.C. §51 et seq., 49 U.S.C. § 20701 and the rules and

regulations promulgated thereunder; the failure of the Defendant to properly operate the job; and in general the reckless, careless and negligent manner in which the Defendant and its agents carried on its business, Plaintiff was caused to suffer serious and permanent injuries while employed by the Defendant, METRO-NORTH on or about the 31<sup>st</sup> day of March, 2005.

8. As a result of the Defendant's negligence, the Plaintiff was caused to suffer severe and permanent physical and emotional injuries, disability, denial of social pleasure and enjoyment of life, change of lifestyle, loss of past and future wages and fringe benefits, past and future medical expenses, past and future pain and suffering, and will incur expenses and suffer additional damages into the future.

9. The Plaintiff, RICHARD MC LAUGHLIN demands a trial by jury on all issues.

WHEREFORE, the Plaintiff, RICHARD MC LAUGHLIN, demands a money judgment against the Defendant, METRO-NORTH COMMUTER RAILROAD for whatever amount said Plaintiff, RICHARD MC LAUGHLIN is found to be entitled to, together with the costs and disbursements of this action.

Dated: February 6, 2008  
Williamsville, New York

  
THOMAS P. HURLEY, ESQ.  
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Attorneys for Plaintiff  
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